

## PATENT COOPERATION TREATY

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## DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference CAG 00193/WO	IMPORTANT DECLARATION	Date of mailing(day/month/year) 20/09/2005
International application No. PCT/EP2005/003055	International filing date(day/month/year) 22/03/2005	(Earliest) Priority date(day/month/year) 22/03/2004
International Patent Classification (IPC) or both national classification and IPC C05F17/02		
Applicant COMP-ANY GMBH		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
- a. ☐ scientific theories.
  - b. ☐ mathematical theories
  - c. ☐ plant varieties.
  - d. ☐ animal varieties.
  - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
  - f. ☐ schemes, rules or methods of doing business.
  - g. ☐ schemes, rules or methods of performing purely mental acts.
  - h. ☐ schemes, rules or methods of playing games.
  - i. ☐ methods for treatment of the human body by surgery or therapy.
  - j. ☐ methods for treatment of the animal body by surgery or therapy.
  - k. ☐ diagnostic methods practised on the human or animal body.
  - l. ☐ mere presentations of information.
  - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:
- ☐ the description      ☒ the claims      ☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:
- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:
- ☐ the written form has not been furnished.
- ☐ the computer readable form has not been furnished or does not comply with the technical requirements.
5. Further comments:

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## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

In view of the wording and also the large number of the claims presently on file which render it impossible, to determine the matter for which protection is sought, the present application fails to comply with the clarity and conciseness requirements of PCT Article 6 (see also PCT Rule 6.1(a)) to such an extent that a meaningful search on the basis of the claims is impossible.

The six independent claims of the present application relate to systems and processes containing in themselves different technical features. In this sense claim 1 refers to an "aerobic waste treatment system comprising a movable push wall", claim 5 refers to an "aerobic waste treatment system comprising containers with a container push wall", claim 24 refers to "a container adapted to allow the heaping of waste against a wall of the container", claim 26 refers to "a process of setting up a waste treatment system by assembling a movable push wall and heaping waste against it, claim 33 refers to "a process of setting up a waste treatment site by carrying equipment in one or more containers" and claim 34 refers to "a process of setting up a waste treatment site in which one or more parts of the one or more container are push walls for the heap".

Furthermore the main technical feature of independent claims 1, 2, 26 and 34 is not clearly defined because the term "movable push wall" which identifies this technical feature seems to indicate the use of a "wall" which moves and somehow or at some time pushes the material. This is unclear in view of the description where a "movable push wall" seems to refer to stationary wall against which the material can be piled up or heaped (see Figures; page 9, lines 2-5). This contradictory definition of this significant technical feature found in the claims in relation to the same technical feature as defined in the description makes it impossible to establish which is the subject-matter for which protection is actually sought.

Consequently, no search report can be established for the present application.

If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome."

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be

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overcome.